

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DANIEL LEE MAXSON, II,

Petitioner,

Case Number: 06-15191

v.

JUDGE PAUL D. BORMAN  
UNITED STATES DISTRICT COURT

GERALD HOFBAUER,

Respondent.

**OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S JULY 29, 2008  
REPORT AND RECOMMENDATION AND DENYING PETITIONER'S HABEAS  
CORPUS PETITION**

Before the Court are Petitioner Daniel Lee Maxson, II's ("Petitioner") objections to Magistrate Judge Donald A. Scheer's July 29, 2008, Report and Recommendation ("R&R") recommending dismissal of Petitioner's habeas petition. (Doc. No. 26).

Pursuant to Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1), this Court reviews *de novo* portions of a magistrate judge's report and recommendation on a dispositive motion to which a party has objected.

Having carefully considered the entire record, the Court is convinced that the Magistrate Judge is correct in his analysis of the facts and the law in this case.

Therefore, the Court:

- (1) **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 26);
- (2) **DENIES** Petitioner's Habeas Corpus Petition (Doc. No. 1).

SO ORDERED.

S/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: July 31, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 31, 2009.

S/Denise Goodine

Case Manager